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## **Application No. ZT-102-06**

### **York County Board of Supervisors**

**Application No. ZT-102-06** is an application to amend Chapter 24.1, Zoning, to address location of mini-storage warehouses, dumpster screening requirements, and private automobile displays and sales

The staff is recommending approval.

#### Attachments:

1. Staff report
2. Proposed Resolution No. PC06-13

# COUNTY OF YORK

## MEMORANDUM

**DATE:** June 6, 2006 (BOS Mtg. 6/14/06)

**TO:** York County Planning Commission

**FROM:** J. Mark Carter, Assistant County Administrator

**SUBJECT:** Application No. ZT102-06, York County Board of Supervisors: Proposed amendments to Chapter 24.1, Zoning, to Address Location of Mini-Warehouses, Dumpster Screening Requirements and Private Automobile Displays/Sales

### Issue

This application proposes changes to the following section of the York County Zoning Ordinance (Chapter 24.1, York County Code):

- 24.1-106. Definitions: to establish a distinction between single-story and multi-story mini-storage warehouses;
- 24.1-306. Table of Land Uses: to eliminate opportunities for single-story mini-warehouses in the GB District, to allow multi-story mini-warehouses in the GB district by Special Use Permit, and to allow both types as a matter of right in the IL and IG Districts;
- 24.1-483 and 484. Standards for warehousing and min-storage warehouses: to establish special performance standards for multi-story mini-warehouses in GB Districts to include architectural materials and treatments and to require at least 80% of the ground floor level to be used for office or retail space not related to the mini-warehouse operation.
- 24.1-606(n). Off-street parking requirements: to reduce the off-street parking requirement for mini-warehouses.
- 24.1-261. Public service facility standards. to require that dumpsters be screened on all four (4) sides
- 24.1-608 (new section). Parking for certain purposes permitted and prohibited: to establish provisions prohibiting private vehicles parked on a public right of way from being advertised with signage for sale or rent, and to define the conditions under which private vehicles may be parked/displayed on private property and advertised with signage for sale or rent. The provisions do not apply to authorized motor vehicle dealers' business properties.

### Considerations

#### A. Mini-storage warehouses

1. At the Board of Supervisors' February 2006 Retreat there was considerable discussion about permissible locations for mini-warehouse facilities and a

consensus that certain changes should be considered. Specifically, the discussion suggested that the two Industrial zoning districts (IL and IG) are the most appropriate locations for such facilities, whereas, the GB-General Business district is not. The Board's primary concern, and one that has been discussed by the Planning Commission in connection with virtually all previous special use permit applications involving mini-storage warehouses, is whether such uses are an appropriate use of the County's limited supply of highly visible commercial parcels. Given that mini-storage warehouse facilities are generally considered to be "destination" establishments, their need for visibility from heavily traveled commercial corridors is less than that of "impulse" or "convenience" establishments.

2. During the Board's discussions it was suggested that the GB District could be an appropriate location for internally accessed, multi-story self-storage facilities where the majority of the first floor space is devoted to commercial or office uses. Such arrangements would ensure that warehousing space does not displace the commercial development potential of a GB-zoned parcel (at least the first-floor footprint of a parcel). As the Commission will recall, this was the type of arrangement recently approved by Special Use Permit for a site at the intersection of Coventry Boulevard and Route 17.
3. Based on this discussion, the attached draft amendments would create two distinct types of mini-warehouse facilities – single-story and multi-story – and eliminate the opportunity for locating single-story facilities in the GB District. Multi-story facilities would be permitted in the GB District by Special Use Permit provided that at least 80% of the ground floor area is devoted to retail or office uses not associated with the warehousing operation. The 20% allowance for warehouse-related functions is intended to accommodate the manager's office as well as the entrance corridors, steps and freight elevators needed for access to the upper level storage units. Either type of facility (single- or multi-story) would be permitted as a matter-of-right in both Industrial Districts (IL and IG), thus encouraging those locations because of the easier approval process.
4. To ensure that any such facilities proposed for location in a GB District are architecturally attractive, the amendments would require compliance with the architectural performance standards contained in the Route 17 Corridor Overlay District – even if located on another GB corridor. Also proposed is a condition addressing the permissible number and location of entrance/exit doors for multi-story facilities, including a prohibition of warehouse entrance doors facing a public street.
5. The proposed amendments also recommend changes in the off-street parking requirements for mini-warehouses. The Zoning Ordinance currently requires 1.5 spaces for every ten (10) cubicles, plus two (2) spaces for the manager's office/quarters. The various single-story mini-warehouse complexes developed in the County have complied with this requirement without difficulty since parking spaces could be accommodated along/within the drive aisles between the rows of

buildings. However, the multi-story facility proposed at the Coventry Boulevard intersection has called into question the appropriateness of the current standard which, in the case of that facility, would require a parking lot with a minimum of 66 spaces. Both staff and the prospective developer agreed that a parking lot of that size would exceed the expected demand.

According to the industry-accepted reference *Parking Generation* (3<sup>rd</sup> Edition), weekday parking demand at mini-storage warehouse facilities is .139 vehicles per 10 cubicles while a parking study submitted by the prospective “Coventry Corner” developer indicates an *observed* demand at an existing Hampton Roads area climate-controlled facility of .48 spaces per 10 units. In comparison, the existing York County standard is ten (10) times greater than the *Parking Generation* figure and three (3) times greater than the *observed* condition, thus suggesting that a reduction is appropriate. Using the more conservative of these two benchmarks, staff recommends that the County standard be adjusted to require 1 space for every 20 storage cubicles (equivalent to .48 per 10 units), plus two (2) spaces for the manager’s quarters, plus two (2) spaces for the facility’s business office.

#### B. Dumpster Screening

1. As the Commission may recall, the provisions requiring screening of dumpsters and trash receptacles were amended several years ago to require a gate on the fourth side of a dumpster enclosure, but only if necessary to obscure views from public rights-of-way. However, that change did not ensure that unsightly dumpsters would be screened from the view of residents or patrons internal to a development. The proposal sponsored for consideration by the Board would require screening by wooden or masonry fencing, supplemented by landscaping, to obscure all views of the dumpster, whether from on- or off-site, by patrons or the general public.
2. This provision will necessitate the installation of gates (i.e., a four-sided enclosure) for all dumpster enclosures unless they are located in some sort of a service court that is not accessible to patrons or the general public. Although this change will add slightly to site development costs, it will greatly enhance site aesthetics, particularly on development sites where the dumpster must be placed in a conspicuous parking lot or drive aisle location in order to be accessible by the collection vehicles.

#### C. Parking/Display of Privately-owned Vehicles “For Sale”

1. As the Commission is aware, vacant properties, unused parking lots and various other locations in the County often become weekend “vehicle sales lots” with one or more private vehicles parked with a “For Sale” sign displayed in the window(s). This type of activity tends to detract from the appearance of the County’s commercial corridors and residential areas and represents a constant and troublesome enforcement issue for the County’s Zoning and Code Enforcement staff. Recognizing the detrimental impacts that such activities can have on the

appearance of the County, and the fact that the rules currently being enforced are drawn from several sections of the Zoning Ordinance, none of which provide clear guidance to the public or the staff, the Board has sponsored the attached proposal to create a new Section 24.1-608.

2. The proposed language would define the circumstances and conditions under which vehicles could be “displayed” and identified for sale on properties that have not been authorized as automobile dealerships. It essentially affirms the position currently being enforced – i.e., displaying and signing a vehicle “For Sale” on someone else’s property or on a public right-of-way is considered to be an “automobile sales” facility and such facilities are authorized only in certain zoning districts and only after a formal approval process (Special Use Permit and/or site plan). Conversely, it is recognized that the owner of a developed property (not a vacant lot) should have the right to park and display “For Sale” a vehicle that he/she owns on his/her property as an incidental/accessory use – without being considered an automobile sales facility.
3. For commercial and industrial properties, past practice and interpretations have allowed incidental sales of a property owner’s vehicles to occur as long as not more than five (5) vehicles are sold in any single calendar year (since exceeding that number is the threshold for obtaining an “automobile dealers” license from the state). The proposed language affirms this practice; however, it proposes that the number of vehicles “displayed” at the same time be limited to two (2) in the case of commercial/industrial property and one (1) in the case of residential property. Also, to further protect the appearance and character of residential areas, not more than two (2) vehicles would be allowed to be sold in any single calendar year from a residential property.
4. Additional “performance standards” and other recommendations related to this type of activity would:
  - require that vehicles be parked/displayed on a paved or graveled area and that they not be parked on grassed or landscaped areas of the site;
  - establish standards pertaining to size and placement of “for sale” signs; and
  - stipulate that violations of the requirements would be enforceable against the property owner as well as the owner of the vehicle.

## **Recommendation**

Staff believes that the proposed text amendments are consistent with good zoning practice and, accordingly, recommends that they be forwarded to the Board of Supervisors with a recommendation for approval through the adoption of proposed Resolution No. PC06-13.

Carter/3337:jmc

Attachment: Proposed Resolution No. PC06-13

PLANNING COMMISSION  
COUNTY OF YORK  
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in York Hall, Yorktown, Virginia, on the \_\_\_\_ day of \_\_\_\_, 2006:

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Present

Vote

Alfred E. Ptasznik, Jr., Chair  
Nicholas F. Barba, Vice Chair  
Christopher A. Abel  
Alexander T. Hamilton  
John W. Staton  
Anne C. H. Conner  
John R. Davis

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On motion of \_\_\_\_\_, which carried \_\_\_\_, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF APPLICATION NO. ZT102-06 TO AMEND SECTION 24.1-104, DEFINITIONS, SECTION 24.1-306, TABLE OF LAND USES, SECTIONS 24.1-483 AND 484, AND SECTION 24.1-606(n) OF CHAPTER 24.1, ZONING (YORK COUNTY CODE): TO REVISE THE DEFINITION OF THE TERM "MINI-WAREHOUSE"; TO REVISE THE DISTRICTS IN WHICH SUCH USES MAY BE PERMITTED AND THE PERFORMANCE STANDARDS APPLICABLE THERETO AND, TO REVISE THE PARKING STANDARDS FOR SUCH USES; TO AMEND SECTION 24.1-261(a) TO REVISE THE SCREENING STANDARDS FOR DUMPSTERS TO REQUIRE SCREENING ON ALL FOUR SIDES; AND, FURTHERMORE, TO ESTABLISH A NEW SECTION 24.1-608 TO DEFINE CONDITIONS AND REQUIREMENTS APPLICABLE TO DISPLAY AND SALE OF PRIVATE VEHICLES FROM OCCUPIED AND UNOCCUPIED PROPERTIES

WHEREAS, Application No. ZT102-06 has been sponsored by the Board of Supervisors to allow consideration of amendments concerning mini-storage warehouse facilities, design standards for dumpster enclosures, and provisions relating to the parking and display "for sale" of privately owned vehicles; and

WHEREAS, the application has been forwarded to the Planning Commission for review, public hearing and recommendation in accordance with applicable procedures; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing and has carefully considered the comments and recommendation received from citizens and the staff; and

WHEREAS, the Planning Commission finds that the proposed amendments would be consistent with good zoning practice;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission, this the \_\_\_\_ day of \_\_\_\_, 2006, that it does hereby recommend approval of Application No. ZT102-06 to amend Sections 24.1-104, 261, 306, 483, 484 and 606(n) of the Zoning Ordinance, and to establish a new Section 24.1-608, all to read as set forth below;

#### Regarding Mini-Warehouses:

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#### Section 24.1-104. Definitions

*Mini-storage warehouse.* A type of warehousing structure consisting of individual, small, self-contained storage spaces which may be owned, leased or rented to individuals. Such facilities may also be known as self-storage warehouses. For the purposes of this chapter, the two types of mini-storage warehouse / self-storage facilities are:

- Single-story: Facilities in which the storage units/cubicles typically are arranged in long, narrow single-story buildings with the majority of the individual units accessed through doors that open directly to the outside.
- Multi-story: Facilities in which the storage units are arranged in a multi-story structure with all of the individual storage units/cubicles accessed through doors that open to interior corridors.

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#### Section 24.1-306. Table of Land Uses

P=PERMITTED USE S=PERMITTED BY SPECIAL USE PERMIT	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG
	CATEGORY 14 - WHOLESALING / WAREHOUSING												
USES													
1. Wholesale Auction Establishment a) without outdoor storage/activity  b) with outdoor storage									P			P	P
									S			P	P
2. Warehousing, Including Moving and Storage Establishment									S		S	P	P
3. Wholesale Trade Establishment (May Include accessory retail sales) a) without outdoor storage  b) with outdoor storage									P		P	P	P
									S		S	P	P
4. Seafood Receiving, Packing, Storage										P		S	P

5. Petroleum Products Bulk Storage/Retail Distribution												S	P
6. Mini-Storage Warehouses									S			S	P
a. <a href="#">Single-story</a>												P	P
b. <a href="#">Multi-story</a>									S			P	P

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**Sec. 24.1-483. Standards for all wholesaling and warehouse uses.**

- (a) Warehouses and similar structures of thirty thousand (30,000) square feet [2700m<sup>2</sup>] or greater shall have fire lanes surrounding the structure(s) unless approved otherwise by the director of public safety.
- (b) Outdoor storage shall be screened from view from adjacent residential properties.
- (c) Outdoor storage shall not be located closer than twenty-five feet (25') [7.5m] to any property line.
- (d) Bay doors shall be oriented away from streets and residential properties or screened from direct view by landscaping means.
- (e) Such uses shall be designed to minimize the noise impact of trucks, forklifts, and other heavy equipment on adjacent properties and to prevent such noise from being audible on adjacent or nearby residential properties at any greater level than typical for residential areas.

**Sec. 24.1-484. Standards for mini-storage warehouses.**

- (a) All storage for mini-storage warehouses shall be within a completely enclosed building provided, however, that the outdoor accessory storage of recreational vehicles on the same site is acceptable if such storage is screened from view from adjacent streets and residential properties. However, no outdoor RV storage or parking shall be permitted in conjunction with any mini-warehouse facility located in a GB-General Business zoning district.
- (b) Loading docks shall not be permitted as part of the storage buildings. At least two exterior service doors shall be provided for any multi-story mini-warehouse facility. Such doors shall be at ground/sidewalk level. Exterior service doors for any multi-story mini-warehouse facility in a GB District shall not be located on any building exposure facing a public street and shall be limited to a maximum of one (1) each for other facades.
- (c) Except for purposes of loading and unloading, there shall be no parking or storage of trucks, trailers, and moving vans.
- (d) The minimum distance between warehouse buildings shall be twenty feet (20') [6m]. Where vehicular circulation lanes and parking and loading spaces are to be provided between structures, the minimum separation distance shall be increased accordingly in order to ensure vehicular and pedestrian safety and adequate emergency access.
- (e) No activities such as sales or servicing of goods or materials shall be conducted from such storage units. The operation of such a facility shall in no way be deemed to include a transfer and storage business where the use of vehicles is a part of such business.
- (f) Storage of hazardous and flammable materials shall not be permitted.
- (g) The maximum length of any single [single-story mini-storage](#) building shall be two hundred (200') [60m] feet.
- (h) If proposed in the GB-General Business district, multi-story mini-storage warehouse structures shall be designed to include retail or office space occupying at least 80% of the total floor area on the ground floor of the structure and not related to the mini-warehouse operation. Such retail and or office space shall be designed to occupy the entire first floor width of any building façade facing a public street. The remaining 20% of the first level floor area may include the entrance corridors, service elevator(s), manager's office

and other non-storage components associated with the self-storage units located on the upper levels of the structure.

In the GB District, all building facades of multi-story mini-storage warehouse structures shall be designed and constructed to meet the architectural design standards specified for the Route 17 Corridor Overlay District (section 24.1-378), whether or not said structure is located in the Route 17 overlay area. Consideration should be given to incorporating faux windows in the street-facing facades of the upper level storage areas to give the appearance of office space provided, however, that other appropriate design techniques may also be proposed and considered.

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**Section 24.1-606(n) Category 14 – Wholesaling / Warehousing**

USE	OFF-STREET PARKING SPACES	OFF-STREET LOADING SPACES
(1) Seafood receiving, packing, storage	One (1) space for every 500 square feet of processing or <del>office area</del> <u>office area</u>	One space; plus One space per loading bay or dock
(2) Mini-storage warehouses	One <del>(1) and one-half (1.1/2)</del> <u>spaces</u> for each <del>twenty (20) ten (40)</del> <u>cubicles</u> ; plus Two (2) spaces for the manager's quarters; <u>plus</u> <u>Two (2) spaces for the office.</u>	None
(3) Warehousing, distributing, or wholesale trade establishment and all other Category 14 uses	One (1) space for each 10,000 square feet of floor area; plus One (1) space for each 350 square feet of office, sales or similar space; or, subject to appropriate documentation and approval of the zoning administrator, one and one-third (1.3) spaces for every employee on the largest shift.	One space; plus One (1) space per loading bay or dock

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**Regarding Dumpster Screening Requirements, amend Section 24.1-261 as follows:**

**Sec. 24.1-261. Public service facility standards.**

(a) *Refuse and recyclables collection.* Dumpsters, or an alternate method of collection for recyclables and for nonrecyclable refuse approved by the zoning administrator, shall be required for mobile home parks and for multi-family, commercial and industrial developments. The following standards shall apply:

- (1) Dumpsters or other approved collection receptacles shall be located on a site so that service vehicles will have convenient and unobstructed access to them. The location shall be such that encroachment by service vehicles upon bicycle and pedestrian ways, parking spaces, or vehicular circulation drives will be minimized. Dumpsters shall not be located closer than fifty feet (50') to any residential structure.
- (2) Dumpsters or other approved collection receptacles shall be screened from both on-site and off-site views by wooden or masonry fencing, supplemented by landscaping on at least three (3) sides with landscaping, shrubbery, or building walls supplemented where necessary by wooden or masonry fencing except where the zoning administrator determines that such screening is not necessary because other screening, such as buildings, fences or landscaping, is in place may serve as part of the required screening. ~~A gated enclosure providing screening on four sides~~

shall be gated or otherwise configured ~~required wherever necessary~~ to ensure that the dumpster is not visible from any adjoining public rights-of-way, adjoining properties or from any areas on the site which are normally accessible by residents, customers or the general public.

- (3) Where dumpsters are to be utilized, dumpster pads, constructed in accordance with all applicable health department standards for construction and drainage, shall be provided.

**Regarding private motor vehicle sales from various types of property, create a new Section 24.1-608 as follows:**

**24.1-608. Parking for certain purposes permitted and prohibited.**

The following provisions shall apply to the parking or placement of automobiles, trucks, trailers, recreational vehicles, motorcycles, boats, tractors, heavy construction equipment or other types of motorized vehicle or equipment with the intent to offer such vehicles or equipment for sale or rent. For the purposes of this section, the presence of signs, lettering, papers, flyers or other visible advertisement or information on or within the vehicle indicating it to be for sale or rent shall be deemed evidence of such intent.

- (a) It shall be unlawful for any person to park or place any such vehicle for sale or rent upon or in any street or street right-of-way.
- (b) The owner or occupant of a parcel on which an occupied residential structure is located may park an automobile, light-duty truck, recreational vehicle or trailer, boat or cargo trailer on the property for the purpose of selling or offering the vehicle for sale, provided that:
  - (1) The vehicle is owned by the owner or occupant of the property, or a member of the owner/occupant's immediate family. For the purposes of this section, the term "immediate family" shall be deemed to include natural or legally defined offspring or parents or grandparents of the owner or occupant of the premises.
  - (2) The vehicle is parked in a driveway or other all-weather-surfaced parking space on the property, and shall not be parked on grassed or landscaped portions of the property.
  - (3) Signs or lettering advertising the vehicle to be "for sale", if any, shall be attached to or applied to the vehicle and shall not exceed three (3) square feet in area.
  - (4) Not more than one vehicle shall be parked/displayed "for sale" at any time and not more than two (2) vehicles may be parked/displayed "for sale" on any premises within the same calendar year.
- (c) The owner or occupant of a parcel on which an occupied commercial or industrial structure is located may park an automobile, light-duty truck, recreational vehicle or trailer, boat or cargo trailer on the property for the purpose of selling or offering the vehicle for sale, provided that:
  - (1) The vehicle is owned by the owner or occupant of the property, or a member of the owner/occupant's immediate family. For the purposes of this section, the term "immediate family" shall be deemed to include natural or legally defined offspring or parents or grandparents of the owner or occupant of the premises.
  - (2) The vehicle is parked on a paved or graveled parking space on the property, and shall not be parked on grassed or landscaped portions of the property.
  - (3) Any signs or lettering advertising the vehicle to be "for sale" shall be attached to or applied to the vehicle and shall not exceed six (6) square feet in area.
  - (4) Not more than two (2) vehicles shall be parked or displayed "for sale" at any time and not more than five (5) vehicles may be parked or displayed "for sale" on any premises within the same calendar year.

- (5) In the event the commercial or industrial use occupying the property is authorized to include the on-premises parking or storage of heavy construction equipment, large trucks, and similar vehicles/equipment, the above-noted limitation to "light-duty trucks" shall be waived.
- (d) Parking of vehicles or equipment for sale or rent on undeveloped or vacant property, or on property on which the principal structure(s) are unoccupied, shall be prohibited.
- (e) Violations of the terms of this section shall be enforceable against the owner of the property and the owner of the vehicle.
- (f) The provisions of this section shall not be deemed to prohibit the sale or rental of vehicles or equipment when conducted from a site which has been authorized, pursuant to the terms of this chapter, for the conduct of vehicle or equipment sales/rental as a principal use of the property.

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